

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, *ex rel.*  
EVA ZEMPLENYI,

v.  
Plaintiffs,

GROUP HEALTH COOPERATIVE, GROUP  
HEALTH PERMANENTE, GROUP HEALTH  
OPTIONS, INC., KPS HEALTH PLANS, GROUP  
HEALTH NORTHWEST, MICHAEL LEE, M.D.,  
TERRENCE CLARK, O.D., JOHN DOES 1-20,

## Defendants.

No. C09-0603-RSM

**NOTE ON MOTION CALENDAR:  
January 6, 2010**

**UNITED STATES' NOTICE OF ELECTION  
TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, as amended, 31 U.S.C. § 3730(b)(4)(B), the United States of America hereby notifies the Court of its decision not to intervene in and take over the above-entitled action.

Because the United States has elected not to intervene, the relator has the right to pursue this action in the name of the United States; however, the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” 31 U.S.C. § 3730(b)(1). Therefore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action also be served upon the United

1 States, and that all Orders issued by the Court be sent to the Government counsel. The United  
2 States reserves its right to order any deposition transcripts. It also reserves the right to intervene  
3 in this action, for good cause, at a later date.

4 DATED this 6th day of January, 2010.

5 Respectfully submitted,

6 ANTHONY WEST  
7 Assistant Attorney General

8 JENNY A. DURKAN  
9 United States Attorney  
Western District of Washington

10  
11 s/ Peter A. Winn  
12 PETER A. WINN  
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1                   **CERTIFICATE OF SERVICE**

2                   The undersigned hereby certifies that she is an employee in the office of the Untied States  
3 Attorney for the Western District of Washington and is a person of such age and discretion as to  
4 be competent to serve papers, and that on January 6, 2010, she caused to be electronically filed  
5 the foregoing *Notice of Election to Decline Intervention* and Proposed Order as well as this  
6 appended Certificate of Service with the Clerk of the Court using the CM/ECF system, which  
7 will send notification of such filing to the following:

8                   **(Counsel for Plaintiff/Relator Eva Zemplenyi)**

9                   Benjamin R. Justus  
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11                  Lory R. Lybeck  
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16                  **(Counsel for Defendants)**

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23                  Seattle, WA 98101

24                  DATED this 6th day of January, 2010.

25                  s/ Patricia M. Buyce  
26                  

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27                  PATRICIA M. BUYCE  
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